

IC 20-6.1-6**Chapter 6. Conditions of Employment****IC 20-6.1-6-1****Leave of absence; generally**

Sec. 1. (a) A school corporation may grant a teacher a leave of absence, for at most one (1) year, for a sabbatical or for disability or sick leave. The school corporation may grant consecutive leaves. A school corporation may grant partial compensation for any leave in an amount it determines. However, if a teacher on a sabbatical serves an employer that agrees to reimburse the school corporation in whole or in part of the amount of the teacher's regular salary, the school corporation may grant full or partial compensation. Any teacher who is pregnant shall be granted a leave of absence for the period provided in and subject to the provisions of section 4 of this chapter. Except where a contract is not required under IC 20-6.1-4-10 through IC 20-6.1-4-16 in any situation occurring before or after the commencement of leave, the teacher and the school corporation shall execute a regular teacher's contract for each school year in which any part of the teacher's leave is granted, and the teacher shall have the right to return to a teaching position for which the teacher is certified or otherwise qualified in accordance with the rules of the state board of education.

(b) Rights existing at the time leave commences, which arise from a teacher's:

- (1) status as a permanent teacher;
- (2) accumulation of successive years of service;
- (3) service performed under a teacher's contract pursuant to IC 20-6.1-4-9; or
- (4) status or rights negotiated under IC 20-7.5;

shall remain intact except as provided in subsection (a).

(c) During leave, the teacher may maintain coverage in any group insurance program by paying the total premium including the school corporation's share, if any, attributable to the leave period. The school corporation may elect to pay all or part of the cost of the premium as an adopted or negotiated fringe benefit to teachers on leave.

(d) During leave extending into a part of a school year, a teacher shall accumulate sick leave in accordance with the provisions of IC 20-6.1-5-6, or any salary schedule of the school corporation providing greater sick leave, in the same proportion which the number of days the teacher is paid during such year for work or leave bears to the total number of days for which teachers are paid in the school corporation.

(e) During leave of a nonpermanent teacher, the period of probationary successive years of service under a teacher's contract which is a condition precedent to becoming a permanent teacher under IC 20-6.1-4-9 shall be uninterrupted for that teacher except as provided in subsection (a). However, this probationary period shall not include an entire school year spent on leave.

(f) All or part of a leave granted for sickness or disability, including pregnancy-related disability, may be charged at the teacher's discretion to the teacher's available sick days. However, the teacher is not entitled to take accumulated sick leave days when the teacher's physician certifies that the teacher is capable of performing the teacher's regular teaching duties. The teacher is entitled to complete the remaining leave without pay.

As added by Acts 1976, P.L.100, SEC.1. Amended by Acts 1977, P.L.242, SEC.1; P.L.20-1984, SEC.84.

IC 20-6.1-6-2

Leave of absence; sabbatical

Sec. 2. Leave of Absence—Sabbatical. A school corporation may grant a teacher, on written request, a sabbatical for improvement of professional skills through:

- (1) advanced study;
- (2) work experience;
- (3) teacher exchange programs; or
- (4) approved educational travel.

After taking a sabbatical, the teacher shall return for a length of time equal to that of the sabbatical leave.

As added by Acts 1976, P.L.100, SEC.1.

IC 20-6.1-6-3

Leave of absence; sickness or disability

Sec. 3. Leave of Absence—Sickness or Disability. A school corporation may place a teacher, with or without written request, on a disability or sick leave for at most one (1) year. However, a teacher placed without a written request is entitled to a hearing on that action in accord with IC 20-6.1-4-10 and IC 20-6.1-4-11.

As added by Acts 1976, P.L.100, SEC.1.

IC 20-6.1-6-4

Leave of absence; pregnancy

Sec. 4. Leave of Absence—Pregnancy. A teacher who is pregnant may continue in active employment as late into pregnancy as she wishes, if she can fulfill the requirements of her position. Temporary disability caused by pregnancy shall be governed by the following:

- (1) Any teacher who is pregnant shall be granted a leave of absence any time between the commencement of her pregnancy and one (1) year following the birth of the child, if she notifies the superintendent at least thirty (30) days before the date on which she wishes to start her leave. She shall notify the superintendent of the expected length of this leave, including with this notice either a physician's statement certifying her pregnancy or a copy of the birth certificate of the newborn, whichever is applicable. However, in the case of a medical emergency caused by pregnancy, the teacher shall be granted a leave, as otherwise provided in this section, immediately on her request and the certification of the emergency from an attending

physician.

(2) All or part of a leave taken by a teacher because of a temporary disability caused by pregnancy may be charged, at her discretion, to her available sick days. However, the teacher is not entitled to take accumulated sick leave days when the teacher's physician certifies that the teacher is capable of performing the teacher's regular teaching duties. The teacher is entitled to complete the remaining leave without pay. However, the teacher may receive compensation for the pregnancy leave pursuant to a collective bargaining agreement or, if the teacher is not represented by an exclusive representative, by board policy.

As added by Acts 1976, P.L.100, SEC.1. Amended by Acts 1977, P.L.242, SEC.2.

IC 20-6.1-6-5

Defense service; intent

Sec. 5. Defense Service—Intent. Because Congress has decreed that it is imperative to increase and train United States armed forces personnel, sections 5 through 10 of this chapter:

- (1) provide protection for teachers who have been called to leave their positions to defend the nation due to the necessity of war or a state of emergency;
- (2) preserve the status and contract rights under the laws to any teacher who enters the defense service; and
- (3) place those teachers in such a position that the defense service does not operate as an interruption of teaching service since the contract rights that each teacher had when entering the defense service are preserved during that service, the same as if each had not entered it.

As added by Acts 1976, P.L.100, SEC.1.

IC 20-6.1-6-6

Defense service; permanent teacher

Sec. 6. Defense Service—Permanent Teacher. Each permanent teacher with an indefinite contract in accord with IC 20-6.1-4-9, who, through volunteering or statutory selection, enters the defense service on a full-time basis, is considered to have been granted a leave of absence during the defense service.

As added by Acts 1976, P.L.100, SEC.1.

IC 20-6.1-6-7

Defense service; non-permanent teacher

Sec. 7. Defense Service—Non-Permanent Teacher. Each non-permanent teacher, who through volunteering or statutory selection enters the defense service on a full-time basis, has his contract as a teacher and his rights to probationary successive years under contract preserved with the school corporation as he had them when entering the defense service. The period of probationary successive years of service under a teacher's contract, which is a

condition precedent to becoming a permanent teacher under IC 20-6.1-4-9, is considered uninterrupted for that teacher; however, this probationary period may not include the time spent in defense service. The teacher is considered to have been granted a leave of absence during the defense service.

As added by Acts 1976, P.L.100, SEC.1.

IC 20-6.1-6-8

Defense service; teacher's post-service status

Sec. 8. Defense Service—Teacher's Post-Service Status. On reinstatement, the status of the teacher is the same as when entering the defense service, but all rights to changes of salary or position, except as specified in section 7 of this chapter, accrue as if no interruption had occurred.

As added by Acts 1976, P.L.100, SEC.1.

IC 20-6.1-6-9

Defense service; teachers' retirement fund

Sec. 9. Defense Service—Teachers' Retirement Fund. Each teacher, who through volunteering or statutory selection enters the defense service on a full time basis, retains his contractual rights in the state teachers' retirement fund. Contributions and payments into the retirement fund shall be made in the same manner as they are made for a member of the fund who is granted a leave of absence under the law pertaining to that fund. The teacher is considered to have been granted a leave of absence during the defense service.

As added by Acts 1976, P.L.100, SEC.1.

IC 20-6.1-6-10

Defense service; teacher's reinstatement

Sec. 10. Defense Service—Teacher's Reinstatement. Each teacher on leave of absence for defense service shall, within sixty (60) days after an honorable or medical discharge or release from active participation in the service, present himself for reinstatement. The school corporation shall then reinstate him. If the teacher is unable to present himself for reinstatement within the sixty (60) day period for any reason arising from mental or physical disability, he has sixty (60) days after the date of removal of the disability to apply for reinstatement.

On reinstatement or on written resignation submitted to the school corporation, the teacher's leave of absence and defense service is considered terminated.

As added by Acts 1976, P.L.100, SEC.1.

IC 20-6.1-6-11

Anti-discrimination; marital status

Sec. 11. Anti-Discrimination—Marital Status. Neither a governing body nor its agent may make or enforce any rule or regulation concerning the employment of teachers which discriminates in any manner because of marital status.

As added by Acts 1976, P.L.100, SEC.1.

IC 20-6.1-6-12

Anti-discrimination; residence requirements

Sec. 12. Anti-Discrimination—Residence Requirements. (a) A governing body may not adopt residence requirements for teachers or other school employees in its employment, assignment, or reassignment for services in a prescribed area.

(b) Each school corporation that fails to observe subsection (a) of this section is ineligible for state funds under all enactments regarding that subject. The state superintendent and other state officials shall administer the funds accordingly on the submission of sworn proof of the existence of the discriminatory residence requirements.

As added by Acts 1976, P.L.100, SEC.1.

IC 20-6.1-6-13

Teacher's freedom of association

Sec. 13. Teacher's Freedom of Association. A school corporation may not dismiss or suspend any employee because of affiliation with or activity in an organization unless that organization advocates (1) the overthrow of the United States government by force or the use of violence or (2) the violation of law to achieve its objective. A rule or regulation contrary to this section is void.

As added by Acts 1976, P.L.100, SEC.1.

IC 20-6.1-6-14

Teachers as public office candidates and holders

Sec. 14. (a) A governing body may not dismiss, suspend, or enforce a mandatory leave of absence on a teacher who is a candidate for public office unless evidence is submitted to the governing body that would substantiate a finding that the teacher's activity has impaired his effectiveness in his service or has interfered with the performance of his contractual obligations. Any suspension is valid only during the period of the impairing activity.

(b) If a teacher serves in the Indiana general assembly, he shall be given credit for the time spent in this service, including but not limited to the time spent for council or committee meetings. The leave for this service does not diminish the teacher's rights under the Indiana teachers' retirement fund or his advancement on the state or a local salary schedule. For these purposes, he is, despite the leave, considered teaching for the school during that time.

(c) The compensation received while serving in the Indiana general assembly shall be included, for teachers retiring after June 30, 1980, in the determination of the teacher's annual compensation for the purposes of computing his retirement benefit under IC 5-10.2-4. After June 30, 1980, a teacher serving in the Indiana general assembly may choose to have deductions made from his salary as a legislator for contributions under either IC 21-6.1-4-9 or IC 5-10.3-7-9.

As added by Acts 1976, P.L.100, SEC.1. Amended by Acts 1980, P.L.28, SEC.10; P.L.19-1986, SEC.35; P.L.4-1990, SEC.12.

IC 20-6.1-6-15

Immunity of counselors

Sec. 15. Except as provided in IC 31-32-11-1, a school counselor is immune from disclosing privileged or confidential communication made to the counselor as a counselor by a student. Except as provided in IC 31-32-11-1, the matters communicated are privileged and protected against disclosure.

As added by Acts 1976, P.L.100, SEC.1. Amended by P.L.99-1988, SEC.19; P.L.1-1997, SEC.100.

IC 20-6.1-6-16

Legal recourse for infringement

Sec. 16. Legal Recourse for Infringement. Each teacher whose rights and privileges as prescribed in sections 13 through 15 of this chapter are or are about to be infringed by a rule or regulation may, in accord with the law governing injunctions, seek to enjoin the school corporation from the infringement. The circuit and superior courts shall issue the injunction when it finds an infringement.

As added by Acts 1976, P.L.100, SEC.1.

IC 20-6.1-6-17

Daily free time for teachers

Sec. 17. (a) Each governing body and its administrators shall arrange each teacher's daily working schedule to provide at least thirty (30) minutes between 10:00 a.m. and 2:00 p.m. for a period free of duties.

(b) The state superintendent shall report each failure to comply with subsection (a) to the state board of education, which shall immediately inform the governing body of each alleged violation.

(c) If the school corporation persistently fails or refuses to comply for one (1) year, the state board of education shall lower the grade of accreditation of the school corporation and shall publish notice of that action in at least one (1) newspaper published in the county.

As added by Acts 1976, P.L.100, SEC.1. Amended by P.L.20-1984, SEC.85.